IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.12420 of 2000**

DATE OF DECISION: February 9, 2007

SARABJIT KAUR AND OTHERS ...PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MR. JUSTICE R.S. MADAN.

PRESENT: MR. DHEERAJ CHAWLA, ADVOCATE FOR THE PETITIONER.

MR. P.S. THIARA, ADVOCATE FOR RESPONDENT NOS.1 TO 3.

ASHUTOSH MOHUNTA, J. (ORAL)

The lands of the petitioners were acquired by the respondents. At the time of acquisition, an assurance was given by the respondents that appointments would be given to one member from each family whose land has been acquired. Subsequently, it transpired that the lands of some of the persons was very small in area and hence the respondents decided that only those persons would be entitled to a job whose land was 2 acre or more. This policy of the State Government was challenged by some other land owners in the High Court and the High Court struck down the policy (Annexure P-7) in the present writ petition and held that all those persons whose lands were acquired irrespective of the area would be entitled to a job. It was further held that the revised policy could not have retrospective effect. The judgement of this Court was challenged by the Punjab State Electricity Board in the Hon'ble Supreme Court and now the Hon'ble

Supreme Court has decided in Civil Appeal No.6116 of 1999 *Punjab State Electricity Board* vs. *Malkiat Singh* reported as 2005(3) RSJ 357 that "*the respondent held not entitled to claim appointment as a matter of right having taken compensation of the land which was acquired, more so when he did not fulfill the necessary requirements under the revised scheme*". The policy in the present case (Annexure P-7) has been upheld by the Supreme Court in the aforementioned writ petition.

The present case is also squarely covered by the decision in *Punjab State Electricity Board's case* (supra) and as such, the petitioners have no right to claim appointment on the ground that their lands were acquired. The policy of the State Government (Annexure P-7) is upheld. The writ petition is accordingly dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

February 9, 2007
Gulati

(R.S. MADAN)
JUDGE